



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

#EO-108
RA

Office of Economics, Environmental Analysis and Administration

May 7, 2004

Holly Houghton
Tribal Historic Preservation Officer
Mescalero Apache Tribe
PO Box 227
Mescalero, NM 88340

Re: STB Finance Docket 34284, Southwest Gulf Railroad Company -
Construction and Operation Exemption - Medina County, TX;
Formal Request to be a Consulting Party Under Section 106 of the
National Historic Preservation Act

Dear Ms. Houghton:

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of a proposed rail line construction and operation in Medina County, Texas, pursuant to the National Environmental Policy Act (NEPA) and related environmental laws, including the National Historic Preservation Act (NHPA). SEA has identified your tribe as having traditional connections to the Medina County area of Texas and is formally inviting you to become involved in the environmental review process as a consulting party under Section 106 of the NHPA.

SEA has determined that an Environmental Impact Statement (EIS) is the appropriate type of NEPA document for this proceeding, and has recently completed the Final Scope of Study for the EIS, which we have enclosed for your review. SEA is currently preparing a Draft EIS (DEIS) that will be made available for public review and comment. The DEIS will include a discussion of potential impacts to cultural resources and a draft version of a Programmatic Agreement (PA) prepared pursuant to 36 CFR 800.14(b). Although a preliminary cultural resources assessment of the entire project area has been conducted, the PA will outline the process for additional identification, evaluation, effect assessment, and treatments to resolve any adverse effects to significant cultural resources located within the area of potential effect (APE) for the approved corridor.

We would value any information you could provide at these early stages of the environmental review process. We would also appreciate a response within 30 days of your receipt of this letter regarding your interest in acting as a consulting party for Section 106

purposes. Kindly indicate in your response if you would like copies of the DEIS and Draft PA to review. Your responses should be marked on the accompanying self-addressed postcard.

We look forward to working with you to ensure that any tribal concerns regarding this project are included as part of the Section 106 and NEPA processes. If you have any questions regarding this letter or require further information, please do not hesitate to call Rini Ghosh at (202) 565-1539 or Catherine Glidden at (202) 565-1542. For additional information regarding the Board, please refer to our web site at <http://www.stb.dot.gov>.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures